

ORDINANCE NO. 20190919-144

AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 (*GROUND TRANSPORTATION PASSENGER SERVICES*) TO ADD REGULATIONS RELATED TO THE OPERATION OF PEDICABS AND GROUP CYCLE SERVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 13-2-1 (*Definitions*) is amended to add new definitions of group cycle and group cycle service as follows, and to renumber the remaining sections accordingly:

(21) GROUP CYCLE means a device with four or more wheels propelled by human power exerted through a belt, chain, or gears capable of carrying a driver and six or more seated passengers on a platform made as part of the device.

(22) GROUP CYCLE SERVICE means a ground transportation service operating for hire that uses a group cycle in the operation of the service.

PART 2. City Code Section 13-2-1 (*Definitions*) is amended to change the definition of pedicab and to add a new definition of pedicab service as follows, and to renumber the remaining sections accordingly:

(27) PEDICAB means a chauffeured~~[, non-motorized]~~ vehicle operated for compensation that has at least three wheels, is propelled by human power exerted through pedals, a belt or chain and gears, and that is capable of transporting passengers on seats attached to the vehicle. ~~[and that:~~

(a) ~~— has three wheels and is propelled solely by the human power of a single operator; or~~

(b) ~~— is a pushcart or rickshaw type vehicle with two wheels, that is propelled by a person.]~~

(28) PEDICAB SERVICE means a ground transportation passenger service operating for hire that uses a pedicab in the operation of the service.

PART 3. Subsection (A) of City Code Section 13-2-34 (*Insurance Required*) is amended to add group cycle service and to read as follows:

(A) Except as provided by Subsection (F), before authority to operate any ground transportation service in the City becomes effective, other than a pedicab or group cycle operated for compensation, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: bodily injury and property damage coverage; and owned, non-owned and hired vehicle coverage. The insurance policy must be in a form satisfactory to the City, and it must meet the requirements of this section. The insurance coverage must be maintained throughout the term of the operating authority or taxicab franchise. The applicant must furnish a certificate of insurance for the policy to the department.

PART 4. Subsection (G) of City Code Section 13-2-34 (*Insurance Required*) is amended to add group cycle service and to read as follows:

(G) Before authority to operate a pedicab or group cycle [~~ground transportation~~] service in the City becomes effective, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: commercial general liability insurance for a minimum limit of five hundred thousand dollars (\$500,000) combined single limit per occurrence, and \$2,500 medical expense. The policy shall provide coverage for any and all pedicabs or group cycles for hire and all drivers of such pedicabs or group cycles. The policy shall provide coverage for all passengers entering and exiting pedicabs or group cycles.

PART 5. City Code Section 13-2-316 (*Additional Requirements for Pedicab Service*) is repealed.

PART 6. City Code Chapter 13-2 (*Ground Transportation Passenger Services*) is amended to add a new Subpart L establishing requirements for pedicab service as follows:

Subpart L. – PEDICAB SERVICES

§ 13-2-363 – PEDICAB SERVICE REQUIREMENTS

PART 3. Subsection (A) of City Code Section 13-2-34 (*Insurance Required*) is amended to add group cycle service and to read as follows:

(A) Except as provided by Subsection (F), before authority to operate any ground transportation service in the City becomes effective, other than a pedicab or group cycle operated for compensation, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: bodily injury and property damage coverage; and owned, non-owned and hired vehicle coverage. The insurance policy must be in a form satisfactory to the City, and it must meet the requirements of this section. The insurance coverage must be maintained throughout the term of the operating authority or taxicab franchise. The applicant must furnish a certificate of insurance for the policy to the department.

PART 4. Subsection (G) of City Code Section 13-2-34 (*Insurance Required*) is amended to add group cycle service and to read as follows:

(G) Before authority to operate a pedicab or group cycle [~~ground transportation~~] service in the City becomes effective, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: commercial general liability insurance for a minimum limit of five hundred thousand dollars (\$500,000) combined single limit per occurrence, and \$2,500 medical expense. The policy shall provide coverage for any and all pedicabs or group cycles for hire and all drivers of such pedicabs or group cycles. The policy shall provide coverage for all passengers entering and exiting pedicabs or group cycles.

PART 5. City Code Section 13-2-316 (*Additional Requirements for Pedicab Service*) is repealed.

PART 6. City Code Chapter 13-2 (*Ground Transportation Passenger Services*) is amended to add a new Subpart L establishing requirements for pedicab service as follows:

Subpart L. – PEDICAB SERVICES

§ 13-2-363 – PEDICAB SERVICE REQUIREMENTS

- (A) Section 13-2-192 (*No Solicitation for Immediate Hire*) does not apply to pedicab services.
- (B) A holder of a pedicab operating authority shall comply with Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 1 (*Operating Authority*), except as otherwise provided in this subdivision.
- (C) In addition to the requirements of Subsection (B), the following are requirements for an operating authority for a pedicab service:
- (1) A pedicab service may operate only on the streets and designated traffic lanes and during the times proposed in the application for operating authority and approved by the department.
 - (2) The holder may load and unload passengers and park a vehicle only at locations approved by the department.
 - (3) The holder may use only equipment approved by the department to provide the service.
 - (4) The holder shall post in a location approved by the department:
 - (a) the permit assigned by the department and the name of the pedicab service; and
 - (b) the fare for each ride on the vehicle or in an approved parking area.
- (D) A driver may refuse to convey a person requesting service if:
- (1) the driver is answering a previous request for service;
 - (2) the person requesting service is disorderly;
 - (3) the person requesting service is engaged in unlawful conduct;
 - (4) the driver believes that transporting the person requesting service may result in risk to the safety of the driver, horse or vehicle; or
 - (5) the person requesting service cannot present proof of ability to pay the fare.
- (E) The director may impose additional requirements necessary to ensure safe and reliable service.

§ 13-2-364 - PEDICAB SERVICE APPLICATION REQUIREMENTS.

- (A) In addition to the application requirements under Section 13-2-161 (*Operating Authority Application Required*), an application for a pedicab service operating authority must specify the equipment the applicant proposes to use to provide the service.

(B) The department may require additional information in the application process.

§ 13-2-365 - PEDICAB SERVICE INSPECTION REQUIREMENTS.

(A) Section 13-2-142 (*Inspection Standards*) does not apply to the inspection of pedicab service vehicles.

(B) To pass inspection under Section 13-2-141 (*Inspection Required*), a vehicle must comply with the following inspection criteria:

- (1) A vehicle and any equipment used to provide pedicab service must be in safe, sanitary, and clean condition.
- (2) The interior of a vehicle used to provide pedicab service must be clean.
- (3) All portions of the interior upholstery of a vehicle used to provide pedicab service must be without noticeable tears or other damage.
- (4) Missing, broken, or significantly damaged interior or exterior parts of a vehicle used to provide pedicab service must be repaired or replaced in a neat and inconspicuous manner.
- (5) The vehicle must conform with other equipment requirements prescribed by the department under Section 13-2-165(4) (*Contents of Operating Authority*).

(C) In addition to the requirements of this section, a pedicab service shall comply with the requirements of Section 13-2-366 (*Additional Requirements*).

§ 13-2-366 - ADDITIONAL REQUIREMENTS.

(A) The requirements of this section apply to operation of a pedicab and are in addition to the requirements in Sections 13-2-363 (*Pedicab Service Requirements*), 13-2-364 (*Pedicab Service Application Requirements*), and 13-2-365 (*Pedicab Service Inspection Requirements*).

(B) An application for an operating authority must describe the fare structure or structures, which must be posted in the pedicab in a manner approved by the department. Fare rates may be fixed, negotiated with the passenger, or for tips only, and must be agreed upon prior to service being rendered. Any change to fare structures must be reported to the department in writing prior to service being rendered.

(C) Unless otherwise directed by the director, the department, a police officer, or other official emergency personnel, a pedicab service may operate:

- (1) up to 24 hours a day, seven days per week;

- (2) in bike lanes, on the Pfluger Bridge, the Lance Armstrong Bikeway, and the 3rd Street Extension;
 - (3) on sidewalks adjacent to the bridges crossing Lady Bird Lake.
- (D) A pedicab service may not operate on any roadway with a speed limit exceeding 35 miles per hour.
- (E) A pedicab driver must:
- (1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;
 - (2) comply with the requirements of Section 13-2-54 (*Display and Inspection of Driver Credentials*) and Section 13-2-55 (*Rest Periods for Drivers*);
 - (3) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, to enter a private driveway, or if the pedicab is travelling faster than other traffic.
- (F) A pedicab driver may not:
- (1) operate a pedicab on sidewalks or sidewalk areas, except that a pedicab may use the sidewalks adjacent to the bridges over Lady Bird Lake to cross the lake;
 - (2) operate a pedicab on a hike and bike trail; or
 - (3) operate a trailer-type pedicab.
- (G) In addition to the requirements of Section 13-2-314 (*Non-Motorized Service Inspection Requirements*), a pedicab must meet the standards specified in this subsection.
- (1) A pedicab must meet the following dimensional requirements:
 - (a) a frame may not exceed 55 inches in width;
 - (b) a bicycle tire must be at least 1.5 inches in width;
 - (c) a trailer tire must be at least 1.5 inches in width; and
 - (d) all wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.
 - (2) A pedicab must be maintained according to the following standards:
 - (a) all spokes must be tight and none may be missing or broken;
 - (b) floorboards must have non-skid contact surfaces without holes;
 - (c) brakes must be capable of making a braked wheel stop within a distance determined by the department;

- (d) each pedicab must be equipped with a disc brake system, or other reliable braking system, as approved by the department;
- (e) a pedicab must be equipped with a front white lamp visible from a distance of at least 500 feet;
- (f) a pedicab must be equipped with two red lights mounted on the rear in a manner approved by the department, and visible from a distance of at least 500 feet;
- (g) the passenger seat must be bench style and at least 17 inches deep.
- (h) the pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;
- (i) any sharp edges or open tubes must be capped in a manner approved by the department; and
- (j) any additional requirements established by the department.

(3) A pedicab must display the following:

- (a) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1 ¾ inches in height and at least 1 inch in width, with colors contrasting the color of the pedicab;
- (b) a permit decal, valid annual city inspection decal; and
- (c) a slow-moving vehicle emblem that:
 - (i) complies with Section 547.108 of the Texas Transportation Code;
 - (ii) is displayed on the rear of the pedicab and mounted in a manner approved by the department; and
 - (iii) uses a reflective surface visible day or night from a distance of 500 feet.

(H) The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10 days. A vehicle must be re-inspected following completion of repairs required by the department under this section.

(I) A pedicab passenger older than six years must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

§ 13-2-367 ELECTRIC ASSIST MOTORS

A pedicab equipped with an electric assist motor must:

- (A) have a motor that only uses battery power;
- (B) have the battery stored in a protective, non-combustible container;
- (C) have a top assisted speed of 15 miles per hour or less;
- (D) be pedaled in conjunction with the electric assist motor whenever the electric assist motor is in use; and
- (E) be approved by the department.

PART 7. City Code Chapter 13-2 (*Ground Transportation Services*) is amended to add a new Subpart M establishing requirements for group cycle services and to read as follows:

Subpart M. GROUP CYCLE SERVICE

§ 13-2-368 – GROUP CYCLE SERVICE REQUIREMENTS

- (A) Section 13-2-192 (*No Solicitation for Immediate Hire*) does not apply to group cycle services.
- (B) A holder of a group cycle operating authority shall comply with Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 1 (*Operating Authority*), except as otherwise provided in this subdivision.
- (C) In addition to the requirements of Subsection (B), the following are requirements for an operating authority for a group cycle service:
 - (1) A group cycle service may operate only on the streets and designated traffic lanes and during times approved by the department.
 - (2) The holder may load and unload passengers and park a vehicle only at locations approved by the department.
 - (3) The holder may use only equipment approved by the department authority to provide the service.
 - (4) The holder shall post in a location approved by the department:
 - (a) the permit assigned by the department and the name of the group cycle service; and
 - (b) the fare for each ride on the vehicle or in an approved parking area.
- (D) A driver may refuse to convey a person requesting service if:
 - (1) the driver is answering a previous request for service;

- (2) the person requesting service is disorderly;
- (3) the person requesting service is engaged in unlawful conduct;
- (4) the driver believes that transporting the person requesting service may result in risk to the safety of the driver, horse or vehicle; or
- (5) the person requesting service cannot present proof of ability to pay the fare.

(E) The director may impose additional requirements necessary to ensure safe and reliable service.

§ 13-2-369 - GROUP CYCLE SERVICE APPLICATION REQUIREMENTS.

(A) In addition to the application requirements under Section 13-2-161 (*Operating Authority Application Required*), an application for a group cycle service operating authority must:

- (1) identify the streets and designate traffic lanes over which the group cycle service will travel during specified time periods;
- (2) specify the off-street locations for parking and passenger loading and unloading; and
- (3) specify the equipment the applicant proposes to use to provide the service.

(B) In addition to the application requirements under Section 13-2-161 (*Operating Authority Application Required*), an application for a group cycle service operating authority may not include routes that use hike-and-bike trails or footpaths.

(C) The department may require additional information in the application process.

§ 13-2-370 - GROUP CYCLE SERVICE INSPECTION REQUIREMENTS.

(A) Section 13-2-142 (*Inspection Standards*) does not apply to the inspection of group cycle service vehicles.

(B) To pass inspection under Section 13-2-141 (*Inspection Required*), a vehicle must comply with the following inspection criteria:

- (1) A vehicle and any equipment used to provide group cycle service must be in safe, sanitary, and clean condition.
- (2) The interior of a vehicle used to provide group cycle service must be clean.
- (3) All portions of the interior upholstery of a vehicle used to provide group cycle service must be without noticeable tears or other damage.

- (4) Missing, broken, or significantly damaged interior or exterior parts of a vehicle used to provide group cycle service must be repaired or replaced in a neat and inconspicuous manner.
 - (5) The vehicle must conform with other equipment requirement prescribed by the department under Section 13-2-165(4) (*Contents of Operating Authority*).
- (C) In addition to the requirements of this section, a group cycle service shall comply with the requirements of Section 13-2-371 (*Additional Requirements*).

§ 13-2-371 - ADDITIONAL REQUIREMENTS.

- (A) The requirements of this section apply to operation of a group cycle and are in addition to the requirements in Sections 13-2-363 (*Group Cycle Service Requirements*), 13-2-364 (*Group Cycle Service Application Requirements*), and 13-2-365 (*Group Cycle Service Inspection Requirements*).
- (B) An application for an operating authority must describe the fare structure or structures, which must be posted in the group cycle in a manner approved by the department. Fare rates may be fixed, negotiated with the passenger, or for tips only, and must be agreed upon prior to service being rendered.
- (C) A group cycle service may only operate on routes approved by the department in writing unless otherwise directed by the department, a police officer, or other official emergency personnel.
- (D) A group cycle service may not operate on any roadway with a speed limit exceeding 35 miles per hour.
- (E) A group cycle driver must:
- (1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;
 - (2) comply with the requirements of Section 13-2-54 (*Display and Inspection of Driver Credentials*) and Section 13-2-55 (*Rest Periods for Drivers*);
 - (3) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, or to enter a private driveway; and
 - (4) not consume, sell, or serve any beverage containing alcohol.
- (F) In addition to the requirements of Section 13-2-314 (*Non-Motorized Service Inspection Requirements*), a group cycle must meet the standards specified in this subsection.

- (1) A group cycle must be maintained according to the following standards:

- (a) floorboards must have non-skid contact surfaces without holes;
 - (b) brakes must be capable of making a braked wheel stop within a distance determined by the department;
 - (c) each group cycle must be equipped with a disc brake system, or other reliable braking system, as approved by the department;
 - (d) a group cycle must be equipped with a minimum of two front white headlamps affixed at least two feet apart and level with one another horizontally, and visible from a distance of at least 500 feet;
 - (g) a group cycle must be equipped with two red lights mounted on the rear affixed at least two feet apart and level with one another horizontally, and visible from a distance of at least 500 feet;
 - (h) passenger seating must be approved by the department;
 - (i) the group cycle paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;
 - (j) any sharp edges or open tubes must be capped in a manner approved by the department; and
 - (k) any additional requirements established by the department.
- (2) A group cycle must display the following:
- (a) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1 ³/₄ inches in height and at least 1 inch in width, with colors contrasting the color of the group cycle;
 - (b) a permit decal, valid annual city inspection decal; and
 - (c) a slow-moving vehicle emblem that:
 - (i) complies with Section 547.108 of the Texas Transportation Code;
 - (ii) is displayed on the rear of the group cycle and mounted in a manner approved by the department; and
 - (iii) uses a reflective surface visible day or night from a distance of 500 feet.

(H) The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section.

(I) Group cycle passengers must sit on a seat in the group cycle and not in any other place on or in the group cycle, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the group cycle and ask the passenger to exit the group cycle.

- (K) Only the driver may occupy the center isle while the group cycle is in motion.
- (L) Group cycle passengers must be seated while the group cycle is in motion.
- (M) No group cycle shall transport more passengers than the vehicle has seats.
- (N) The maximum capacity of a group cycle shall be fifteen, including the driver.
- (O) No group cycle shall stand or park within any public roadway, sidewalk, or walkway. Group cycles may utilize any commercial loading zone to stand or rest.

§ 13-2-372 ELECTRIC ASSIST MOTORS

A group cycle equipped with an electric assist motor must:

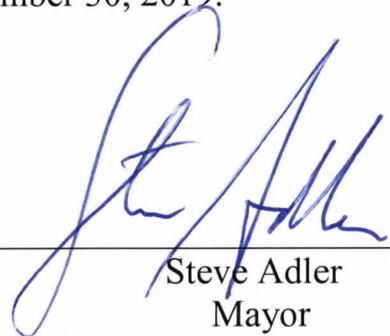
- (A) have a motor that uses only battery power;
- (B) have a top assisted speed of 15 miles per hour or less.
- (C) be pedaled in conjunction with the electric assist motor whenever the electric assist motor is in use.
- (D) be approved by the department.

PART 8. This ordinance takes effect on September 30, 2019.

PASSED AND APPROVED

_____, September 19 _____, 2019

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Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk